

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

DEC 12 2007

UNITED STATES OF AMERICA,

- against -

GREGG MORRIS,

Defendant.

P.M. **ORDER**
TIME A.M.

07 CR 029 (NG) (JO)

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GERSHON, United States District Judge:

Magistrate Judge James Orenstein, in a Report and Recommendation dated October 31, 2007, has recommended granting defendant Morris's motion to suppress a gun, which he has acknowledged was his own, and his statement to that effect. The government has filed objections, and defendant has responded.

Judge Orenstein presided over an extensive evidentiary hearing and allowed the parties the opportunity for post-hearing submissions, an opportunity which, as described by Judge Orenstein and not contested by the government, the government did not use. In its objections to Judge Orenstein's report, the government does not challenge Judge Orenstein's legal analysis but in essence challenges the inferences which Judge Orenstein drew from his review of the testimony. Upon de novo review, the court finds no sound basis for upsetting Judge Orenstein's carefully and sensitively considered factual findings. The motion to suppress is granted.

SO ORDERED.

s/NG

NINA GERSHON
United States District Judge

Dated: December 11, 2007
Brooklyn, New York